UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,823	04/06/2000	Stephane Herman Maes	YO999-478	9287

7590   08/25/2008

William E Lewis
Ryan & Mason LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
08/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 July 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-91_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-91_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _7/25/08_.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application

after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the

appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to

37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/25/2008 has been entered.

All previous rejections are maintained for the reasons given in the Examiner's Answer.

Also a new grounds of rejection based on the article entitled "UIML: An Application-

Independent XML User Interface Language" submitted as IDS on 7/25/2008 is now applied.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 29, 36-56, 73, 80-87, and 90-91 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent Number 6,418,439 to Papierniak et al..

Papierniak teaches the invention as claimed (As in exemplary claim 90) including a
browser apparatus for use in providing access to an application by a user through one or more
computer-based devices, comprising a machine readable medium containing computer
executable code (col. 9, lines 25-53) which when executed permits the implementation of the
steps of: obtaining the application from an application server (col. 9, lines 25-53), the application
being programmatically represented by interaction that the user is permitted to have with one or
more computer-based devices by interaction-based programming components (col. 9, lines 25-
53), wherein the interaction-based programming components are independent of
content/application logic and presentation requirements associated with the application (col. 9,
lines 25-53); and transcoding the interaction-based programming components on a component by
component basis to generate one or more modality specific renderings of the application on the
one or more computer-based devices (col. 9, lines 25-53).

As to claims 1, 44, and 91, they feature the same limitations as claim 90 and are thus
rejected on the same basis as claim 90.

As to claim 45, Papierniak teaches an apparatus wherein one or more processors are
distributed over the one or more computer-based devices (col. 9, lines 25-53).

As to claim 46, Papierniak teaches an apparatus wherein at least a portion of the
application is to be downloaded from a server to at least one of computer-based device, acting as
a client, further comprising the step of including code in the application operative to provide a
connection to the content/application logic resident at the server (col. 9, lines 25-53).

As to claim 47, Papierniak teaches an apparatus wherein the content/application logic connection expresses at least one of one or more data models, attribute constraints and validation rules associated with the application (col. 9, lines 25-53).

As to claim 48, Papierniak teaches an apparatus wherein one or more modality specific rendering comprise a speech-based representation of portions of the application (col. 9, lines 25-53).

As to claim 50, Papierniak teaches one or more modality-specific renderings comprising a visual-based representation of portions of the application (col. 9, lines 25-53).

As to claim 51, Papierniak teaches a visual-based representation based on HTML (col. 9, lines 25-53).

As to claims 52-54, Papierniak teaches user interactions declaratively and imperatively represented by the interaction-based programming components (col. 9, lines 25-53).

As to claim 55, Papierniak teaches interaction-based programming components comprising basic elements associated with a dialog that may occur between the user and one or more computer-based devices (col. 9, lines 25-53).

As to claim 56 Papierniak teaches interaction based programming components comprising complex elements, the complex elements being aggregations of two or more of the basic elements associated with the dialog that may occur between the user the one or more computer-based devices (col. 9, lines 25-53).

As to claim 73, Papierniak teaches a step of providing a mechanism for defining logical input events and the association between the logical input events and physical input events that trigger the defined logical input events (col. 9, lines 25-53).

As to claim 80, Papierniak teaches a step of including code for permitting changes to

rules for transcoding on a component by component basis to generate the one or more modality

specific renderings of the application on the one or more computer-based devices (col. 9, lines

25-53).

As to claim 81, Papierniak teaches a definition of an underlying data model being

populated is separated from a markup language defining user interaction (col. 9, lines 25-53).

As to claim 82, Papierniak teaches a node_id attribute attached to each component and

the attribute is mapped over to various outputs (col. 9, lines 25-53).

As to claim 83, Papierniak teaches an author provided with a pass through mechanism to

encapsulate modality-specific markup components (col. 9, lines 25-53).

As to claim 84, Papierniak teaches components which may be active in parallel (col. 9,

lines 25-53).

As to claim 85, Papierniak teaches a representation and transcoding as being extensible

(col. 9, lines 25-53).

As to claim 86, Papierniak teaches a state of the application being encapsulated (col. 9,

lines 25-53).

As to claim 87, Papierniak teaches a representation permitted to reference the

dynamically generated data and supports callback mechanisms to the content/application logic

(col. 9, lines 25-53).

As to claims 2-12, 29,, and 36-43, these claims have the same limitations claims 46-73,

78, and 80-87 and are thus rejected on the same basis as claims 46-56, 73, and 80-87.

Claims 1-91 are rejected under 35 U.S.C. 102(a) as being anticipated by the article

entitled "UML: An Application-Independent XML User Interface Language" by Abrams et al..

Abrams teaches the invention as claimed (As in exemplary claim 90) including a browser

apparatus for use in providing access to an application by a user through one or more computer-

based devices, comprising a machine readable medium containing computer executable code

which when executed permits the implementation of the steps of: obtaining the application from

an application server (Section 2, "Allow efficient download of user interfaces over networks to

Web browsers), the application being programmatically represented by interaction that the user

is permitted to have with one or more computer-based devices by interaction-based programming

components (Section 1), wherein the interaction-based programming components are

independent of content/application logic and presentation requirements associated with the

application (Section 2, "Create natural separation of user interface from non-interface code");

and transcoding the interaction-based programming components on a component by component

basis to generate one or more modality specific renderings of the application on the one or more

computer-based devices (Abstract).

As to the rest of the claims, the mapping in the rejection of claim 90 is enough to provide

an understanding to one of ordinary skill on how the reference is being interpreted to teach the

rest of the applicant's broad claim limitations. If the applicant has any questions about the

interpretation, the applicant may contact the Examiner at the number listed at the conclusion of

this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,418,439 to Papierniak et al. in view of the article entitled "New VXML Forum" posted at Cover Pages Hosted by Oasis.

As to claim 49, Papierniak teaches the use of audio views (col. 9, lines 25-53); however; Papierniak does not specifically teach the use of VoiceXML.

The article entitled "New VXML Forum" teaches the use of VoiceXML.

It would have been obvious for one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Papierniak regarding a speech application system with VoiceXML because VoiceXML is a form of SGML document.

As to claim 5, it features the same limitation as claim 49 and is thus rejected for the same reason as claim 49.

Claims 13-28, 34, 57-72, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,418,439 to Papierniak et al. in view of U.S. Patent Number 6,269,336 to Ladd et al..

As to claim 57, Papierniak teaches the invention of claim 44 however; Papierniak does not explicitly teach the use of conversational gestures.

Ladd teaches interaction-based programming components represent conversational gestures (col. 12, lines 30-67).

It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of Papierniak regarding the transcoding of application components with the teachings of Ladd regarding the use of conversational gestures because conversational gestures facilitate interaction with a user and an application component.

As to claim 58, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual informational messages to the user (col. 12, lines 30-67).

As to claim 59, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual help information (col. 12, lines 30-67).

As to claim 60, Ladd teaches conversational gestures comprising a gesture for encapsulating actions to be taken upon successful completion of another gesture (col. 12, lines 30-67).

As to claim 61, Ladd teaches conversational gestures comprising a gesture for encapsulating yes or no based questions (col. 12, lines 30-67).

As to claim 62, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues where the user is expected to select from a set of choices (col. 12, lines 30-67).

As to claim 63, Ladd teaches a gesture comprising a subelement that represents the set of choices (col. 12, lines 30-67).

As to claim 64, Ladd teaches a gesture comprising a subelement that represents a test that the selection should pass (col. 12, lines 30-67)

As to claim 65, Ladd teaches a gesture comprising a subelement that represents an error message to be presented if the test fails (col. 12, lines 30-67).

As to claim 66, Ladd teaches conversational gestures comprising a gesture for encapsulating rules for validating results of a given conversational gesture (col. 18, lines 56-65).

As to claim 67, Ladd teaches conversational gestures comprising a gesture for encapsulating grammar-processing rules (col. 18, lines 56-65).

As to claim 68, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues that help the user navigate through portions of the application (col. 12, lines 30-67).

As to claim 69, Ladd teaches conversational gestures comprising a gesture for encapsulating a request for at least one of user login and authentication information (col. 21, lines 25-40).

As to claim 70, Ladd teaches conversational gestures comprising a request for constrained user input (col. 12, lines 30-67).

As to claim 71, Ladd teaches conversational gestures comprising a request for unconstrained user input (col. 12, lines 30-67).

As to claim 72, Ladd teaches conversational gestures comprising a gesture for controlling submission of information (col. 12, lines 30-67).

As to claim 78, it is rejected for the same reasons as claim 57, as conversational gestures are interpreted as natural language.

As to claims 13-28 and 34, they feature the same limitations as claims 57-72 and 78 and are rejected for the same reasons as claims 57-72 and 78.

Claims 31-32 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Number 6,418,439 to Papierniak et al. in view of U.S. Patent Number 6,569,207 to

Sundarsesan.

As to claim 75, Papierniak does not explicitly teach the use of a Java Bean for

transcoding components.

Sundarsesan teaches the use of a Java Bean for transcoding components (col. 9, lines 6-

37).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Papierniak regarding a speech application

system with the Java and Java Beans because Java provides multi-platform functionality to an

application.

As to claim 76, Papierniak does not explicitly teach the use of a Java Server Pages for

transcoding components.

Sundarsesan teaches the use of Java Server Pages for transcoding components (col. 12,

lines 29-49).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Papierniak regarding a speech application

system with the Java and Java Server Pages because Java provides multi-platform functionality

to an application.

As to claims 31-32, they feature the same limitations as claims 75-76 and are rejected on

the same basis as claims 75-76.

Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,418,439 to Papierniak et al. in view of the World Wide Web Consortium

document entitled "Extensible Stylesheet Language (XSL) version 1.0" (hereinafter referred to

as "XSL version 1.0 specification").

As to claim 74, Papierniak does not teach the use of XSL.

The XSL version 1.0 specification teaches component transcoding performed in

accordance with XSL transformation rules (Overview, page 7).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Papierniak regarding a speech application

system with XSL because XSL reduces the amount of code needed to create XML objects

(Overview, page 7).

As to claim 30, it features the same limitation of claim 74 and is thus rejected on the

same basis as claim 74.

Claims 33, 77, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Number 6,418,439 to Papierniak et al. in view of U.S. Patent Number 6,493,758 to

McLain.

As to claim 77, Papierniak teaches the apparatus of claim 44; however, Papierniak does

not explicitly teach synchronization.

McLain teaches an apparatus with a representation by interaction-based programming

components permitting synchronization of one or more modality-specific renderings of an

application on one or more computer-based devices (col. 3, lines 40-65).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Papierniak regarding a speech application system with the teachings of McLain regarding synchronization because synchronization ensures that the application will be provided with up to date data (McLain, col. 4, lines 1-6).

As to claims 33 and 88, they feature similar limitations to claim 77 and are rejected on the same basis as claim 77.

Claims 35, 79, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,418,439 to Papierniak et al. in view of U.S. Patent Number 6,456,974 to Baker et al..

As to claim 79, Papierniak teaches the apparatus of claim 44; however, Papierniak does not explicitly teach display aspects.

Baker teaches code for permitting cosmetic altering of a presentational feature associated with one or more modality-specific renderings of an application on one or more computer-based devices in an integrated speech based browsing system (col. 3, lines 7-32).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Papierniak regarding a speech application system with the teachings of Baker regarding cosmetic altering changes because combining speech with cosmetic aspects creates smarter user interfacaes (Baker, col. 1, lines 15-41).

As to claims 33 and 89, they feature similar limitations to claim 79 and are rejected on the same basis as claim 79.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Examiner, Art Unit 2142